

Atty. Dkt. No. 01CR052/KE

REMARKS

Applicants respectfully request that the foregoing amendments be made prior to examination of the present application.

No claims are requested to be cancelled.

No claims are currently being amended.

This amendment does not add, change and/or delete claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-20 remain pending in this application.

In paragraphs 1 and 2 of the Office Action, claims 1-20 are rejected under 35 U.S.C. § 103 as being unpatentable over "Proposal for an ALM Open Architecture" (Forbes) in view of U.S. Patent No. 6,646,998 (Rasanen). The Examiner states:

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes, J. "Proposal for an ALM Open Architecture" 1999 Institute of Electrical Engineers, 29-30 March, 1999, pages 25/1-25/10 further in view of Rasanen (US Patent No. 6,646,998 B1).

With respect to claims 1, 7, and 13, Forbes discloses (see Abstract) automatic link maintenance (ALM) architecture for use in STANAG 5066 system (a STANAG 5066 communication system). ALM operation requires exchange of messages between two peer HF nodes (a first unit and a second unit). Forbes discloses on pages 25/3-25/4 a technique for determining the optimum transmission parameters values for peer nodes (wherein first unit and second unit communicate data at a data rate selected in response to the first LQA and second LQA value) by exchanging recommendations (LQAs) or list of parameters and their standard values (LQAs) between two peers ALM. Herein, the determination

Atty. Dkt. No. 01CR052/KE

includes the stages of requesting (first unit provides an LQA command to the second unit), replying and exchanging stages (second unit records a first LQA value in response to the LQA command and transmits the first LQA value to the first unit, wherein the first unit records a second LQA value in response to the first LQA value and transmits the second LQA value to the second unit), and acknowledging.

Applicants respectfully traverse the rejection. Fornes and Räsänen are referred to below as the cited art.

The Examiner admits that Fornes does not disclose that the link parameters are set during initial linking. The Examiner relies on Räsänen to disclose negotiating a data link at the call-setup stage. However, Applicants respectfully submit that the rejection based upon the combination of Fornes and Räsänen is improper for several reasons.

First, the combination of Fornes and Räsänen is improper because Fornes teaches away from the present invention. Fornes relies on the STANAG 5066 specification which clearly indicates that a fixed rate should be used at initialization. Paragraph C.6.4.1. of STANAG 5066 states:

All connections on which the data rate or other modem parameters shall be controlled shall be initiated at 300 bits per second using short interleaving. See present application, paragraph 13.

Therefore, Fornes clearly teaches away from the invention because it relies on a fixed low initial data rate. This is precisely the opposite of the present invention. Nothing in Fornes indicates that a non-fixed rate at initialization should be utilized. Accordingly, the combination of Fornes and Räsänen is improper because Fornes teaches away from the present invention.

The combination of Fornes and Räsänen is also improper because there is no suggestion to combine. Fornes does not provide any implicit or explicit suggestion for utilizing the cellular telephone technique of Räsänen. Similarly, Räsänen does not provide any implicit or explicit suggestion for application of its technique to STANAG 5066 standard of Fornes. Therefore, the

Atty. Dkt. No. 01CR052/KE

combination of Fornes and Räsänen is improper because there is no suggestion to combine Fornes and Räsänen.

Third, even if Räsänen and Fornes are combined, the combination does not teach the present invention. Although Räsänen arguably discloses a call-setup procedure in which a data rate parameter is set, the system does not utilize the method recited in the independent claims. In particular, LQA values and quality command signals are not utilized to negotiate the data rate. Therefore, even if combined, one of ordinary skill in the art would not achieve the present invention as recited in claims 1-20 because one would use the data rate adjustment scheme of Räsänen which does not utilize link quality analyzers. Accordingly, it is respectfully submitted that claims 1-20 are patentable over Fornes in view of Räsänen because the combination would not achieve the LQA approach of claims 1-20.

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Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Atty. Dkt. No. 01CR052/KE

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

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